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Book review: 'Human dignity in contemporary ethics' by David G. Kirchhoffer

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HUMAN DIGNITY IN CONTEMPORARY ETHICS

David G. Kirchhoffer, New York: Teneo Press, 2013 £16

When Ruth Macklin wrote her editorial entitled 'Dignity is a useless concept' in the BMJ in 2003 no doubt she hoped to generate debate. However, presumably she did not expect the constant stream of articles and monographs on the subject of human dignity that, some ten years later, shows no sign of abating. Perhaps the overwhelming interest in the subject is itself a testimony to its significance even if responses frequently conflict and are varied. Since so much has been written on human dignity, in order to make a real contribution to the ongoing debate any new work needs to show at the very least rigour as well as perhaps originality and clarity. The danger is that yet another definition of human dignity would merely add to the confusion or advance a feeling of saturation of the topic or simply alienate a different readership.

Kirchhoffer's book, *Human Dignity in Contemporary Ethics*, certainly demonstrates rigour though his book is at times dense. Kirchhoffer takes the critics of human dignity seriously and he thinks that their critical questioning through a hermeneutics of suspicion is justified. However he disagrees with their solution which is to dismiss the concept. Nevertheless he thinks that choosing one of the current alternative understandings of the concept is also inadequate. Instead he calls for a hermeneutics of generosity, a reconstruction after the deconstruction that develops, he claims, a better understanding of the concept.

According to Kirchhoffer the alternative understandings on offer are "human dignity as something human beings have *versus* human dignity as something that human beings acquire" (his italics p.228). At times he seems to link these two understandings to dignity as biological life or dignity as autonomy. His objection is that this 'either or' approach means that the concept of human dignity is used in "dignity talk" to resolve conflict by using it as the last decisive word instead of as a starting point. This results in moralism and moral relativism, a "we are good, they are evil" approach. The fault he finds with treating human dignity in its one dimension as "some acquired sense of self-worth" is that this makes it difficult to formulate an idea of universal human rights and, in the case he offers of the violent criminal there is no reason to acknowledge the dignity in other persons. The fault he finds with treating dignity in its one dimension as something that all human persons already have is that it creates a deontological obligation to respect that dignity. However, he argues, this "radically reduces morality, since it removes any teleological incentives from the equation" (p.314). By this Kirchhoffer means that it neglects the "moral event" by its legalistic focus on the act.

In contrast to these two understandings Kirchhoffer seeks to present "a more appropriate 'both...and' paradigm" of human dignity that is relevant to ethics (p.228). Human dignity "properly understood" refers to "the multidimensional existential reality of the human person" (p.316). Kirchhoffer's understanding of human dignity is not, he says, designed to lead to resolution of ethical conflicts but rather to make the protagonists aware of what is really at stake (p.312).

According to Kirchhoffer, a legalistic and moralistic ethic that focuses on the act does not take meaning seriously and it risks judging before understanding. He argues that the human person is a "meaning-seeking and meaning-giving social being" (p.165) and the task of the ethicist is not to judge but rather to help people ask questions about their moral behaviour and convictions (p.168). The clue to Kirchhoffer's own methodology comes in his introductory

heading 'Research claim and working definitions of key terms' (p.2ff). Kirchhoffer is interested in a descriptive account of the 'moral event' rather than the physical act. 'Moral' denotes simply a description of the human behaviour and it includes what the agent believes is morally good or bad. Using the language of non-moral or pre-moral goods and evils and pre-moral values and disvalues, descriptive ethics does not evaluate whether the action is right or wrong. For this evaluation Kirchhoffer turns to normative ethics understood not, it seems, by reference to norms or the law but rather by reference to his "proper understanding" of human dignity based on an "appropriate multidimensional anthropology" (p.212).

To tease out this anthropology and his understanding of the human person as an intentional, meaning-seeking being Kirchhoffer relies on the eight facets of the human person given by Louis Janssens. Kirchhoffer summarises this meaning-seeking as the "desire for self-worth" (pp.169; 180-181). Included in this desire is the notion of "fundamental choice" ("fundamental option" in the index), "the meaning she chooses for her life" (pp.170-183). In place of treating the dignity one has as entirely distinct from the dignity that one acquires Kirchhoffer argues for a 'both... and' interpretation that he calls the 'Complementary Duality of the Dignity We Have and the Dignity We Acquire'. He grounds the universal claim to human dignity that all human beings have in "the potential inherent in the human person as a meaning-seeking, historical, corporeal subject in relationship possessing numerous capacities, including, among others, the capacities to experience, judge, and engage in moral behaviour" (p.313). Kirchhoffer uses 'potential' to refer to "the realisation of a sense of a meaningful life well lived". However Kirchhoffer believes he avoids relativism by his 'Social Component Dimension' that one should also strive for the universal claim by acknowledging dignity in others.

Kirchoffer's example of 'Diane's' assisted suicide explains how he sees his interpretation of human dignity in action. Kirchoffer explains that Diane's carefully considered aim to die with dignity can be seen to fulfil her sense of inherent self worth. Moreover she did not disregard the dignity of others and "even worked for their good" by ensuring that no one would be held criminally responsible for her actions or subjected to watch her painful deterioration until she eventually died (p.280). Kirchoffer claims that it cannot be said that her choice was morally wrong: this would be a legalistic focus on the act rather than on the moral event. At most it can be said that her choice of assisted suicide may not have been the "better choice, the more dignified choice" because her action risks being associated with an exaggerated autonomy. This in turn might undermine the Social Component Dimension because there are many who are prevented from exercising autonomy in countless other areas and who may therefore be considered undignified (p.281). For Kirchoffer, then, human dignity has an important descriptive function in helping to explain a particular course of action.

Kirchoffer seeks to engage not only with secular understandings of dignity but also with the tradition in which he appears to situate himself, Roman Catholic theology. He intentionally avoids basing human dignity explicitly on religious beliefs in order to head off claims that such a foundation is not useful in a pluralistic world or that dignity is just a cover for a conservative 'theocon' agenda. Nevertheless, using the Second Vatican Council document *Gaudium et spes*, he also seeks to show that his multidimensional understanding of the human person and of the moral event does not conflict with a theological understanding of the human person as created in the image of God. Furthermore he uses the Second Vatican Council document *Dignitatis Humanae* to demonstrate the association of human dignity with a person's own sense of integrity and authenticity.

Viewing Kirchoffer's thesis through a 'hermeneutic of suspicion' it would seem that his main concern is with what he terms moralism and moral absolutes. After all, in traditional Catholic moral theology suicide "when viewed objectively, is a gravely immoral act" involving, among other things, "the rejection of love of self" (Pope John Paul II, *Evangelium vitae*, n66 referencing Augustine and Aquinas). *Gaudium et spes* also regards wilful suicide as a crime against life itself (n.27), a point that Kirchoffer neglects to mention. Kirchoffer's decision to link the descriptive to the normative in order to show how even if a person acts badly that person can still *believe* that they are acting in a morally good way (p.15) may help in the analysis of the 'moral event'. However, in view of the Roman Catholic moral tradition it seems problematic then to conclude that it cannot be said that this was a wrong act and simply to rule that a better choice could have been made. Kirchoffer denies that he is proposing relativism or that he is advocating the absence of universal norms. Rather he says he is "highlighting the unattainability and hence the critical nature of such norms on concrete material behaviour" (p.184). According to Kirchoffer a certainty that something is "always and everywhere unequivocally" right or wrong is not only unattainable, it also "undermines the very notion of a meaningful, well-lived, human life" to which he says all human persons aspire and which underpins the very concept of human dignity itself (p.319). Whatever his views on the inadequacies of moralism and the notion of moral norms, a glaring omission in Kirchoffer's account is some kind of engagement with Pope John Paul's encyclical on moral theology, *Veritatis splendour* beyond a footnote to Selling's interpretation of the encyclical (pp.144, 194).

Kirchoffer's aversion to absolute norms seems to be why he critiques those who advocate inherent dignity where some "go so far as to afford the same dignity, and hence rights, to all human life from the moment of conception to death" (p.229). As he explains, the claim to inherent human dignity leads to reductionist approaches that, for instance, "purely associate human dignity with human biological life and the state of being physically alive" thus opening the door to moralism (p.230). Instead Kirchoffer asserts that it has to be shown how the claim to inviolability from conception to natural death "serves the realisation of a proper multidimensional understanding of human dignity and the flourishing of human life" (p.318). This is something that he does not undertake, ostensibly because he is interested in the dignity of the morally acting subject. However, a glance at his view of a "meaningful anthropology" where a human person "adequately considered" is "a conscious being who possesses the capacity to knowingly and wilfully act" (p.169) seems to rule out all human beings who are not meaning-seekers or able to have desires of self-worth. These are the very human beings that Roman Catholic theology, particularly as expressed in Pope John Paul's encyclical *Evangelium vitae*, has sought to protect by affirming their inherent dignity.

Kirchoffer's book may be rigorous but it is incomplete. His assumption that the only alternatives offered to date are "human dignity as something human beings have *versus* human dignity as something that human beings acquire" and that he is offering "a more appropriate 'both...and' paradigm" (p.228) ignores much work that has already been done. Notably in the essays commissioned by the US President's Council on Bioethics Daniel Sulmasy's analysis of dignity as intrinsic, attributed and inflorescent can in no way be described as one-dimensional.

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